

To Whom It May Concern:

I am writing this letter as a concerned citizen as well as an avid listener to XM Satellite Radio. I wanted to express my interest and support for the Sirius/XM merger. I have long desired to be able to listen to both services, because many of my interests are split between the two in “exclusive” contracts. This means that I can listen to football but not baseball, hockey but not NASCAR, Opera but not Stern.

Mel Karmazin has already stated that he would agree to concessions in order to get this merger approved. He has already publicized an Al a carte pricing system that he plans to use. He has already said that the cost of all programming together will be “much lower” than the combined \$25.90 that it would cost to subscribe to both, and similar programming to what is currently available would remain at the \$12.95 level.

Over the last few months, many parties have come out against the XM/Sirius merger. Upon doing my research, I find that the majority of these “independent” groups are being supported or otherwise hired by the National Association of Broadcasters, or NAB. One has to consider why the NAB is so dead set against this merger. The most recent “independent” group was the influential research firm the Carmel Group. They did say in their report that it was “sponsored” by the NAB.

Then you can look Alabama representative Mike Hubbard. He submitted a resolution to the Alabama House of Representatives to get a state wide resolution against the Sirius/XM merger. But no where in that resolution or in any transcripts of debate on this resolution was it ever mentioned that Mike Hubbard, the author of the resolution, is the owner of a number of radio stations and member of the NAB. Within a day, the NAB came out with a public statement saying “It is our hope that similar resolutions will be introduced in other states.”

Representative Hubbard is not the only one in a position of high power that is using that power to his own benefit. Enter John Ashcroft, former Attorney General. He comes out and publicly criticizes the merger, and then sends a fax to his replacement, Mr. Alberto Gutierrez strongly suggesting to him that he disapprove the merger. This report was once again sponsored by the NAB. Another “hidden” gem in this story was never mentioned. Ashcroft had approached XM and offered to do an “examination of the merger” for them and was turned down. Then he went to offer it to the NAB, and they accepted. Ashcroft’s company confirmed this fact after XM publicly criticized the Ashcroft report. I wonder what his report would have said if XM had hired him first?

Another “independent” group is the Consumer Coalition for Competition in Satellite Radio (C3SR), who recently filed a report through the FCC that concluded the proposed merger would be anticompetitive. I am curious if they mentioned that the leader of the C3SR is an employee of a

public relations business hired by the NAB anywhere in that report that they filed?

The NAB has publicly stated that they are against the merger because "it would provide less service, less affordability, less diversity, and less choice in content and hardware," yet have supported many mergers of its members such as Clear Channel's takeover of SFX Entertainment and AMFM. They claim they are advocates for the people, yet in their own words:

About NAB The National Association of Broadcasters

"The National Association of Broadcasters is a trade association that advocates on behalf of more than 8,300 free, local radio and television stations and also broadcast networks before Congress, the Federal Communications Commission and the Courts."

That is exactly what they are doing. They are representing themselves and their radio stations and TV stations and broadcast networks. They do not care about the consumer. They are more interested in protecting their own interests than that of the consumer.

In conclusion, I simply ask you to think about what the CONSUMERS tell you, not what these so called consumer groups say. They are simply protecting their own interests or publishing a report once they have been hired and paid by a group that IS protecting its own interests. This whole merger is about money. XM/Sirius want the merger to be able to grow and offer a wider variety of channels, while the NAB does NOT want the merger because it will take listeners away from their owner's radio stations. When someone is willing to pay for something that they can get for free, that speaks volumes to the quality. So far, over 12 MILLION have agreed to pay for satellite radio, and that number is growing by over a million customers per year. If the NAB wants to protect the consumer from "less service, less affordability, less diversity, and less choice in content and hardware," perhaps they should look at their own practices first and determine why people are abandoning their free services and looking to pay up to \$12.95 a month currently. They are not looking to protect the consumer. They are looking to protect their own interests.

As a consumer, I ask you to please approve this merger. Put in concessions on price and perhaps content, but please approve the merger. It would be in the best interest of the consumer to do so in my opinion.

Thank you

Brian Rayl
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